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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 IN RE TRANSPACIFIC PASSENGER
23 AIR TRANSPORTATION ANTITRUST
24 LITIGATION

CASE NO. 07-CV-5634-CRB (DMR)

MDL No. 1913

CLASS ACTION

25 **This Document Relates to:**
26 **ALL ACTIONS**

**STIPULATION AND [PROPOSED] ORDER
REGARDING THE PRODUCTION OF
ELECTRONICALLY STORED
INFORMATION**

I. PRODUCTION OF ELECTRONIC INFORMATION

A. Definitions

- a) “Document(s)” means electronically stored information (ESI) existing in any medium from which information can be obtained or translated into reasonably usable form, including SMSs and text messages and similar information which may be located on mobile phones or personal digital assistants.
- b) “Native File(s)” means ESI in the file type for (or of) the application in which such ESI is normally created, viewed and/or modified.
- c) “Metadata” means: (i) information embedded in a Native File that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File; and (ii) information generated automatically by the operation of a computer or other information technology system when a Native File is created, modified, transmitted, deleted or otherwise manipulated by a user of such system.
- d) “Static Image(s)” means a representation of ESI produced by converting a Native File into a standard image format capable of being viewed and printed on standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static Image.
- e) “Load/Unitization file” means an electronic file containing information identifying a set of paper-scanned images or processed ESI and indicating where individual pages or files belong together

as documents, including attachments, and where each document begins and ends. A Load/Unitization file will also contain data relevant to the individual Documents, including extracted and user created Metadata, coded data, as well as OCR or Extracted Text.

f) "OCR" means the optical character recognition file which is created by software used in conjunction with a scanner that is capable of reading text-based documents and making such documents searchable using appropriate software.

g) "Extracted Text" means the text extracted from a Native File and includes all header, footer and document body information.

B. Form and Format for the Production of ESI and Paper Documents Converted to Electronic Form

1. Applicability

This stipulation does not constitute a waiver, by any party, of any objection that the production of particular ESI is unduly burdensome or that any ESI is not reasonably accessible. This stipulation does not apply to any other Order of Court or other agreement between the producing party and the receiving party to produce any documents previously produced in response to a subpoena or document request outside of this litigation. Any document produced in response to such an agreement or Order will be in the format and contain the metadata that the original production contained.

2. Electronic Production of Paper Documents

The parties will produce any paper Documents, including spreadsheets maintained only in paper form, that have been scanned or otherwise converted into electronic form as of the time the documents are first produced in this litigation. The form of production shall be:

- a) TIFF images, consistent with the specifications in Section I.B.3.b.;
- b) The appropriate Load/Unitization files in accordance with Exhibit “A” and consistent with the specifications in Section I.B.6.; and
- c) Searchable OCR text of scanned paper Documents created by the producing party, if any, consistent with the specifications in Section I.B.5.
- d) This Stipulation creates no obligation upon the producing party to convert paper documents into electronic form.
- e) If, however, the producing party has converted paper documents into electronic form as of the time the documents are first produced in this litigation, the producing party shall produce those documents in accordance with this Stipulation.

3. Native Files to be Produced as Static Images

- a) Except as otherwise stated below, or by Order of the Court, Native Files will be produced to the requesting party as Static Images together with Load/Unitization files specified below.
- b) All Static Images will be produced as single page Black & White, Group 4 TIFF (.TIF or .TIFF) files at 300 x 300 dpi resolution and 8.5 x 11 inch page size, except for documents that in the producing party’s reasonable judgment require a different resolution or page size; provided, however, if a color image is produced in black and white, the receiving party may request the producing party to produce the image in color, if necessary to ascertain the content of the document.

- 1 c) All Static Image file names shall match the Bates number assigned
2 to the image.

3 4. Production of Native Files

- 4 a) The parties agree to produce Native Files of spreadsheet
5 application files (e.g., MS Excel), presentation application files
6 (e.g. MS PowerPoint), and multimedia audio/video files (e.g.,
7 .wav, .mpeg, .avi), subject to the right of the producing party to
8 object to the native production of files where such production
9 would result in the disclosure of information that is protected
10 from disclosure by the attorney-client privilege or the work
11 product doctrine and it is impossible to redact or otherwise
12 produce the native production while maintaining such privilege
13 or protection. The parties shall meet and confer with respect to
14 the form of production for audio and video files in non-standard
15 formats, or any files included in this sub-paragraph for which a
16 claim of privilege exists.

- 17 b) The parties agree to meet and confer informally regarding the
18 production of database application files (e.g., MS Access, SQL,
19 SAP) to determine the most reasonable form of production
20 based on the specific circumstances at hand. Notwithstanding
21 the foregoing, a party may elect to produce Native Files of
22 portable database application files (e.g., MS-Access) without
23 the need to meet and confer regarding the form of production.

24 However, in the event a party makes this election responsive
25

1 data contained in such database application files should be
2 produced in a report or export of such data to MS-Excel
3 spreadsheets. Prior to generating such reports the producing
4 party will explain the categories of data maintained in each
5 database the categories that it intends and does not intend to
6 produce, and the format in which the reports will be generated.
7 The producing party will provide a sample page of each report
8 to be produced in advance of its actual production. During the
9 meet and confer process, the producing party shall provide
10 sufficient information concerning the available database fields.

11
12 c) A receiving party may request that the producing party produce
13 the Native File corresponding to a produced Static Image. The
14 producing party does not hereby waive any objections to
15 producing a Native File in response to such a request. The
16 request for production of any specific Native Files(s) shall
17 include the Bates numbers of the TIFF documents to identify
18 the corresponding Native File.

19
20 d) Any produced Native File will include the Bates number of the
21 first page of the Bates range that corresponds to the TIFF
22 image, followed by a carat delimiter, which shall be appended
23 as a prefix to the file name.

24
25 e) Through the pendency of the action, the producing party should
26 exercise reasonable, good faith efforts to maintain all preserved
27 and collected Native Files in a manner that does not materially
28

1 alter or modify the file or the Metadata.

- 2 f) No party may attach to any pleading or any correspondence
3 addressed to the Court, or any adverse or third party, or submit
4 as an exhibit at a deposition or any other judicial proceeding, a
5 copy of any native format document produced by any party
6 without ensuring that the corresponding Bates number and
7 confidentiality legend, as designated by the producing party,
8 appears on the document.
9

10 5. Production of Searchable Text

- 11 a) ESI shall be produced with multi-page searchable Extracted Text.
12 For ESI from which text cannot be extracted, OCR will be
13 produced instead, but only to the extent the producing party has
14 created OCR as of the time the documents are first produced in this
15 litigation, consistent with Section B (1) of this agreement.
16 b) Any such Extracted Text or OCR will be produced on a document
17 level as .TXT files, with the Text filename matching the Bates
18 number applied to the first page of the corresponding image file
19 followed by .TXT. Text files will be located in a directory named
20 "TEXT" that is separate from the TIFF image. Text files should be
21 searchable for all text, including text in all foreign languages
22 present in the subject ESI. Foreign characters shall be accurately
23 represented and included. Text files containing foreign, non-
24 English, must be converted to 8-bit Unicode Transformation Format
25 (UTF-8) format by the producing party prior to production.
26 Documents which in their original form include multiple languages
27
28

1 shall be produced in such form, as they are kept in the normal
2 course of business.

3
4 6. Production of Load/Unitization Files

- 5 a) There will be two Load/Unitization files accompanying all
6 productions of ESI. One will be a Metadata import file, in .dat
7 format, that contains the agreed- upon Metadata fields in UTF-8
8 encoding. The second data file will be a cross-reference file that
9 contains the corresponding image information [IDX]. The
10 acceptable formats for the cross-reference files are .log, [.dii], .opt,
11 .lfp. Image load files should indicate page breaks. A path to the
12 corresponding .TXT file shall be included as a field in the Metadata
13 import file.
- 14 b) The appropriate Metadata import file will contain the Metadata
15 fields detailed and described in Exhibit A to this stipulation and
16 incorporated herein by reference, associated with each electronic
17 document (or their equivalents), including the body of the
18 document, to the extent the fields exist as electronic Metadata
19 associated with the original electronic documents or are created as
20 part of the electronic data discovery process; provided, however,
21 that any manually coded fields by the producing party will not be
22 included as part of the Metadata import file. The parties also agree
23 that any party-specific exceptions to the required fields in Exhibit A
24 will be memorialized in separate side letter agreements. The
25 attached list of fields does not create any obligation to create or
26 manually code fields that are not automatically generated by the
27 processing of the ESI, or that do not exist as part of the original
28 Metadata of the document; provided however, the producing party

1 must populate the SOURCE and CUSTODIAN fields for all
2 produced ESI, as well as paper Documents converted to electronic
3 form as of the time the documents are first produced in this
4 litigation, regardless of whether these fields would be generated
5 during typical processing of such documents. A producing party
6 shall have no obligation to provide FILEPATH information for
7 documents that a receiving party specifically requested and the
8 producing party collected by document type.

- 9
10 c) Any Native Files produced will be accompanied with a Metadata
11 import file that shall contain (i) the full directory path and file
12 names of the Native File(s) as contained in the produced media and
13 (ii) a uniform hash calculation field.

14 7. Processing Specifications

- 15 a) The preferred time zone of processing ESI is GMT. Care should be
16 taken, however, that any alteration of time zone during processing
17 does not interfere with or alter original Metadata of that ESI. To
18 the extent that a party has already processed ESI using a different
19 time zone, the producing party will note the time zone used in its
20 processing. Parties shall consistently produce all ESI processed
21 using the same time zone.
22 b) When processing ESI for review and for production in TIFF format,
23 the producing party will instruct its vendor to force off Auto Date
24 and force on hidden columns or rows, hidden worksheets, speaker
25 notes, track changes, and comments.

26 8. General

- 27 a) The producing party shall use reasonable efforts to avoid producing
28 system and application files.

- 1 b) If the producing party redacts all or any portion of a Static Image,
2 redactions not clearly indicated on the Static Image shall be noted
3 in a user-generated field specified in Exhibit “A”, which the
4 producing party shall provide in the appropriate Load/Unitization
5 file.
6
7 c) The parties may de-duplicate identical ESI vertically, by custodian,
8 or horizontally (i.e., globally). If a producing party elects to de-
9 duplicate horizontally, all custodians who were in possession of a
10 de-duplicated Document must be identified in the
11 CUSTODIAN_OTHER Metadata field specified in Exhibit “A”,
12 and all BCC recipients whose names would have been included in
13 the BCC Metadata field but are excluded as the result of
14 horizontal/global de-duplication, must be identified in the
15 BCC_OTHER Metadata field specified in Exhibit “A”. In the event
16 of a rolling production of documents or other ESI by a party, the
17 producing party may provide a load file with the required
18 “CUSTODIAN OTHER” and “BCC_OTHER” fields, consistent
19 with this provision, within a reasonable amount of time after all
20 documents have been produced.
21
22
23 d) Bates numbers and any confidentiality designation should be
24 electronically branded on each produced TIFF image. Any
25 accidental or inadvertent failure to brand an image or series of
26 images shall not be deemed an automatic failure to designate, but
27
28

shall be interpreted consistent with the Protective Order entered in
this case.

II. TERM OF AGREEMENT

This Agreement shall continue in full force and effect until further order of the Court or
until this litigation is terminated by a final judgment.

IT IS SO STIPULATED.

Dated: February 1, 2012

Respectfully submitted,

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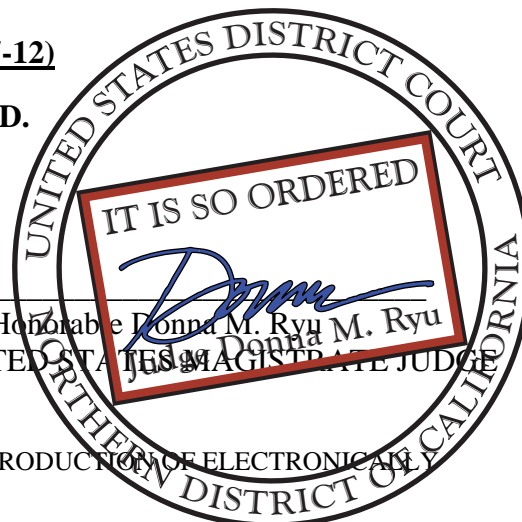
Robert Hawk
*Counsel for Defendant Vietnam Airlines Company
Limited*

ORDER (Civ. L.R. 7-12)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 7, 2012

The Honorable Donna M. Ryu M. Ryu
UNITED STATES DISTRICT JUDGE



GENERAL ORDER 45 ATTESTATION

I, Steven N. Williams, hereby attest, pursuant to N.D. Cal. General Order No. 45, that concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Steven N. Williams

STEVEN N. WILLIAMS

EXHIBIT AMetadata Fields for Production

NOTE: Metadata Field names may vary depending on the application which generate them. For example, Microsoft Outlook creates different Metadata Field names than does Lotus Notes. Accordingly, the chart below describes the Metadata Fields in generic, commonly used terms which the Producing Party is to adapt to the specific types of ESI it is producing, to the extent such Metadata Fields exist associated with the original electronic documents or are automatically generated as part of the electronic data discovery process. Any ambiguity about a Metadata Field is to be discussed with the Receiving Party prior to processing the subject ESI for production.

	Field	Definition	Doc Type
1	SOURCE	Name of party producing the document	All
2	CUSTODIAN	Name of person from whose files the document is produced	All
3	BEGBATES	Beginning Bates Number (production number)	All
4	CUSTODIAN_OTHER	Name of person(s), in addition to the Custodian, from whose files the document would have been produced if it had not been de-duplicated.	All
5	ENDBATES	End Bates Number (production number)	All
6	PGCOUNT	Number of pages in the document	All
7	FILESIZE	File Size	All
8	FILEPATH	File source path for all electronically collected documents, which includes location, folder name, file name, and file source extension	All
9	NATIVEFILELINK	For documents provided in native format only	All
10	TEXTPATH	File path for OCR or Extracted Text files per paragraph (b) above	All
11	REDACTED	User-generated field that will indicated redactions made to Static Images, if such redactions are not clearly indicated on the Static Image	All
12	MSGID	Hash or SHA Value for Emails	Email
13	FROM	Sender	Email
14	TO	Recipient	Email

1	15	CC	Additional Recipients	Email
2	16	BCC	Blind Additional Recipients	Email
3	17	BCC_OTHER	Blind Additional Recipients who would have shown in the "BCC" field had the originally sent Native email not been de-duplicated.	Email
4	18	SUBJECT	Subject line of email	Email
5	19	PARENTBATES	BeginBates number for the parent email of a family (will not be populated for documents that are not part of a family)	Email
6	20	ATTACHBATES	Bates number from the first page of each attachment	Email
7	21	BEGATTACH	First Bates number of family range (i.e. Bates number of the first page of the parent email)	Email
8	22	ENDATTACH	Last Bates number of family range(i.e. Bates number of the last page of the last attachment)	Email
10	23	ATTACHCOUNT	Number of attachments to an email	Email
11	24	ATTACHNAME	Name of each individual attachment	Email
12	25	DATESENT (mm/dd/yyyy)	Date Sent	Email
12	26	TIMESENT	Time Sent	Email
13	27	DATERCVD	Date Received	Email
13	28	TIMERCVD	Time Received	Email
14	29	CAL_START	Calendar/ Appointment start date and time	Email, Various
15	30	Attendees/ Participants	Calendar/Appointment Attendees/Participants/Recipients	Email, Various
16	31	HASHVALUE	MD5 Hash or SHA Value for Edocs	Edocs
17	32	FILETYPE	Descriptive field created by the vendor processing software (e.g. email, edoc, image, attachment)	All
18	33	TITLE	Title field value extracted from the metadata of the native file.	Edocs
20	34	AUTHOR	Creator of a document	Edocs
21	35	DATECRTD (mm/dd/yyyy)	Creation Date	Edocs
21	36	TIMCRTD	Creation Time	Edocs
22	37	MODIFIED BY	Last Saved field contained in the metadata of the native file	Edocs
23	38	LASTMODD (mm/dd/yyyy)	Last Modified Date	Edocs
24	39	LASTMODT	Last Modified Time	Edocs